

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED

22 JUL 25 AM 10:30

REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:

SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON DAVIS
PARISH, LOUISIANA

CERCLA Docket No. 06-08-16

ACBL Oldco, LLC
American Commercial Barge Line LLC
Ashland LLC
Canal Barge Company, Inc.
Cenac Towing Company, LLC
Hornbeck Offshore Transportation, LLC
Martin Energy Services LLC
Martin Operating Partnership L.P.
Talen's Marine & Fuel, LLC
Phillips 66 Company
Ingram Barge Company LLC
Superfund Management Operations,
a series of Evergreen Resources
Group, LLC, as successor in interest to
Sun Oil Company n/k/a Sunoco, Inc. and
Sun Marine Terminals of Louisiana, Inc.
Respondents

Proceeding Under Sections 104, 107
and 122 of the Comprehensive
Environmental Response, Compensation,
and Liability Act, 42 U.S.C. §§ 9604,
9607 and 9622.

**ADMINISTRATIVE SETTLEMENT
AGREEMENT AND ORDER ON
CONSENT FOR REMEDIAL
INVESTIGATION/FEASIBILITY
STUDY**

**THIRD AMENDMENT TO THE ADMINISTRATIVE SETTLEMENT
AGREEMENT AND ORDER ON CONSENT FOR REMEDIAL
INVESTIGATION/FEASIBILITY STUDY**

On November 18, 2016, the United States Environmental Protection Agency ("EPA") and the Respondents listed above ("Respondents") entered into an Administrative Settlement Agreement and Order on Consent, Docket No. CERCLA 06-08-16 ("Settlement Agreement"), in connection with a remedial investigation and feasibility study ("RI/FS") for the SBA Shipyard Superfund site ("Site") in Jennings, Louisiana. This Third Amendment to Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study ("Third Amendment") is issued under the authority vested in the President of the United States by Sections 104, 106(a), 107,

and 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9604, 9606, 9607, and 9622. The authority vested in the President has been delegated to the Administrator of the EPA by Executive Order 12580, 52 Fed. Reg. 2923 (Jan.29, 1987), and further delegated to the Regional Administrators by EPA Delegation No. 14-14-C (January 18, 2017). This authority has been further delegated by the Regional Administrator to the Director, Superfund Division, by EPA Regional Delegation No. R6-14-14-C (January 17, 2017).

Pursuant to Paragraph 115 of Section XXIX (Effective Date and Subsequent Modification) of the Settlement Agreement, the Settlement Agreement is hereby modified and amended by mutual agreement of EPA and the Respondents to add three additional parties to the Settlement Agreement and amend Appendix C of the Settlement Agreement as attached. The new parties to the Settlement Agreement are Steuart Investment Company, Steuart Holding Company, LLC and Steuart Transportation Company ("Steuart Entities"). By their signature to this Third Amendment, they are agreeing to the Settlement Agreement, the First Amendment, Second Amendment and the Third Amendment.

The Settlement Agreement is incorporated here by reference. Except as otherwise specified in this Third Amendment, all other terms and conditions of the Settlement Agreement remain unchanged and in full effect.

This Third Amendment is effective on the date signed by EPA. Upon the effective date of the Third Amendment, the Steuart Entities agree to all terms and conditions of the Settlement Agreement and will be subject to the all obligations under the Settlement Agreement.

IT IS SO AGREED AND ORDERED:

U.S. Environmental Protection Agency

LISA PRICE

Digitally signed by LISA
PRICE
Date: 2022.07.20 08:11:44
-05'00'

By: _____

Lisa Price
Acting Director
Superfund & Emergency Management Division

Date: _____

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF:)	
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Phillips 66 Company)	
Ingram Barge Company LLC)	
Superfund Management Operations,)	
a series of Evergreen Resources)	
Group, LLC, as successor in interest to)	
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Sun Marine Terminals of Louisiana, Inc.)	
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9607 and 9622.)	

THE UNDERSIGNED RESPONDENT enters into this Third Amendment to the Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study in the matter of CERCLA Docket No. 06-08-16 relating to the SBA Shipyard Site, Jennings, Jefferson Davis Parish, Louisiana:

FOR RESPONDENT: STEUART INVESTMENT COMPANY

5454 Wisconsin Avenue, Suite 700, Chevy Chase, MD 20815
Print Address

BY: Michael B. Goheen
Signature

5/18/22
Date

Michael B. Goheen

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Michael B. Goheen

Title: President

Address: 5454 Wisconsin Avenue, Suite 700
Cherry Chase, MD 20815

Telephone Number: 301-951-2741

Email: mgoheen@stewart.com

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FOR RESPONDENT: Stuart Holding Company, LLC

5454 Wisconsin Avenue, Suite 700, Chevy Chase, MD 20815
Print Address

BY: Michael B. Goheen
Signature

5/18/22
Date

Michael B. Goheen

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Michael B. Goheen

Title: President

Address: 5454 Wisconsin Avenue, Suite 700
Cherry Chase, MD 20815

Telephone Number: 301-951-2741

Email: mgoheen@stewart.com

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FOR RESPONDENT: Steuart Transportation Company (Dissolved)

5454 Wisconsin Avenue, Suite 700, Chevy Chase, MD 20815
Print Address

BY: Michael B. Coheen
Signature

5/18/22
Date

Michael B. Coheen

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Michael B. Goheen

Title: Treasurer

Address: 5454 Wisconsin Avenue, Suite 700
Chevy Chase, MD 20815

Telephone Number: 301-951-2741

Email: mgoheen@stevart.com

UNITED STATES
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CERCLA Docket No. 06-08-16

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FOR RESPONDENT: ACBL Oldco, LLC

Print Address

BY:

Signature

Date

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: _____

Title: _____

Address: _____

Telephone Number: _____

Email: _____

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FOR RESPONDENT: American Commercial Barge Line LLC

Print Address

BY:

Signature

Date

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: _____

Title: _____

Address: _____

Telephone Number: _____

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FOR RESPONDENT: Ashland LLC

500 Hercules Road, Wilmington, DE 19808

Print Address

BY:

Signature

May 24, 2022

Date

Richmond L. Williams, Chief Counsel Remediation and Real Estate

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: _____

Title: _____

Address: _____

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FOR RESPONDENT: Canal Barge Company, Inc.

Print Address

BY:

Signature

Date

Print Name of Signatory

835 Union St. NO LA 70112

5/22/22

W Spencer Murphy

General Counsel

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: W. Spencer Murphy

Title: General Counsel

Address: Canal Barge Company, Inc.

835 Union Street, New Orleans, LA 70112

Telephone Number: (504) 584-1542

Email: smurphy@canalbarge.com

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FOR RESPONDENT: Cenac Towing Co., LLC

P.O. Box 2617, Houma, LA 70361
Print Address

BY: 

Signature

5/5/22
Date

Arlen B. Cenac, Jr.
Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Kerth Besson

Title: CFO

Address: P.O. Box 2617

Houma, LA

Telephone Number: 985 872-2413

Email: Kerth@CENAC.com

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FOR RESPONDENT: Hornbeck Offshore Transportation, LLC

103 Northpark Boulevard, Suite 300, Covington, LA 70433
Print Address

BY:

Signature

Date

5/20/2022

Samuel A. Giberger, Executive Vice President and General Counsel
Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Kathleen A. Harrison

Title: Senior Counsel - Compliance

Address: 103 Northpark Boulevard, Suite 300
Covington, LA 70433

Telephone Number: 985-624-1235

Email: Kathleen.harrison@hornbeckoffshore.com

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FOR RESPONDENT: Martin Energy Services LLC

Print Address

BY:

Signature

Date

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Chris Booth

Title: General Counsel

Address: P.O. Box 191
Kilgore, TX 75663

Telephone Number: (903) 983-6200

Email: legal@martinmlp.com

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FOR RESPONDENT: Martin Operating Partnership L.P.

Print Address

BY: Randy Tauscher
Signature

May 5, 2022
Date

RANDY TAUSCHER
Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Chris Booth

Title: General Counsel

Address: P.O. Box 191

Kilgore, TX 75663

Telephone Number: (903) 983-6200

Email: legal@martinmlp.com

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FOR RESPONDENT: Talen's Marine & Fuel, LLC

Print Address

BY:

Signature

Date

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Chris Booth

Title: General Counsel

Address: P.O. Box 191
Kilgore, TX 75663

Telephone Number: (903) 983-6200

Email: legal@martinmlp.com

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF:)	
SBA SHIPYARD SUPERFUND SITE)	CERCLA Docket No. 06-08-16
JENNINGS, JEFFERSON DAVIS)	
PARISH, LOUISIANA)	
)	
ACBL Oldco, LLC)	
American Commercial Barge Line LLC)	
Ashland LLC)	
Canal Barge Company, Inc.)	
Cenac Towing Company, LLC)	
Hornbeck Offshore Transportation, LLC)	
Martin Energy Services LLC)	
Martin Operating Partnership LP)	
Talen's Marine & Fuel, LLC)	
Phillips 66 Company)	
Ingram Barge Company LLC)	
Superfund Management Operations,)	
a series of Evergreen Resources)	
Group, LLC, as successor in interest to)	
Sun Oil Company n/k/a Sunoco, Inc. and)	
Sun Marine Terminals of Louisiana, Inc.)	
)	
Respondents)	THIRD AMENDMENT TO THE
)	ADMINISTRATIVE SETTLEMENT
)	AGREEMENT AND ORDER ON
Proceeding Under Sections 104, 107)	CONSENT FOR REMEDIAL
and 122 of the Comprehensive)	INVESTIGATION/FEASIBILITY
Environmental Response, Compensation,)	STUDY
and Liability Act, 42 U.S.C. §§ 9604,)	
9607 and 9622.)	

THE UNDERSIGNED RESPONDENT enters into this Third Amendment to the Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study in the matter of CERCLA Docket No. 06-08-16 relating to the SBA Shipyard Site, Jennings, Jefferson Davis Parish, Louisiana:

FOR RESPONDENT: Phillips 66 Company, as successor in interest to certain liabilities of ConocoPhillips Company
(as successor in interest to Conoco Inc. and Continental Oil Company)

2331 CityWest Blvd., Houston, Texas 77042

Print Address

BY: 

Signature

5/18/2022
Date

Dan Fischman, Manager, Remediation Management

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Brandi C. Sablatura

Title: Senior Counsel

Address: 2331 CityWest Blvd., Houston, Texas 77042

Telephone Number: 832-765-1260

Email: brandi.c.sablatura@p66.com

UNITED STATES

IN THE MATTER OF:

SBA SHIPYARD SUPERFUND SITE

JENNINGS, JEFFERSON DAVIS

PARISH, LOUISIANA

ACBL Oldco, LLC

American Commercial Barge Line LLC

Ashland LLC

Canal Barge Company, Inc.

Cenac Towing Company, LLC

Hornbeck Offshore Transportation, LLC

Martin Energy Services LLC

Martin Operating Partnership LP

Talen's Marine & Fuel, LLC

Phillips 66 Company

Ingram Barge Company LLC

Superfund Management Operations.

a series of Evergreen Resources

Group, LLC, as successor in interest to

Sun Oil Company n/k/a Sunoco, Inc. and

Sun Marine Terminals of Louisiana, Inc.

Respondents

Proceeding Under Sections 104, 107

and 122 of the Comprehensive

Environmental Response, Compensation,

and Liability Act, 42 U.S.C. §§ 9604,

9607 and 9622.

THIRD AMENDMENT TO THE

ADMINISTRATIVE SETTLEMENT

AGREEMENT AND ORDER ON

CONSENT FOR REMEDIAL

INVESTIGATION/FEASIBILITY

STUDY

THE UNDERSIGNED RESPONDENT enters into this Third Amendment to the Administrative Settlement

Agreement and Order on Consent for Remedial Investigation/Feasibility Study in the matter of CERCLA

Docket No. 06-08-16 relating to the SBA Shipyard Site, Jennings, Jefferson Davis Parish, Louisiana:

FOR RESPONDENT: Ingram Barge Company LLC

4400 Harding Pike, Nashville, TN 37205

Print Address

BY:

May 9, 2022

Signature _____

Date _____

Andrew Brown

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Andrew Brown

Title: SVP & General Counsel

Address: 4400 Harding Pike, Nashville, TN 37205

Telephone Number: 615-517-3113

Email: Andrew.Brown@ingrambarge.com

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF:)	
SBA SHIPYARD SUPERFUND SITE)	CERCLA Docket No. 06-08-16
JENNINGS, JEFFERSON DAVIS)	
PARISH, LOUISIANA)	
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Martin Energy Services LLC)	
Martin Operating Partnership LP)	
Talen's Marine & Fuel, LLC)	
Phillips 66 Company)	
Ingram Barge Company LLC)	
Superfund Management Operations,)	
a series of Evergreen Resources)	
Group, LLC, as successor in interest to)	
Sun Oil Company n/k/a Sunoco, Inc. and)	
Sun Marine Terminals of Louisiana, Inc.)	
)	
Respondents)	
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)	
Proceeding Under Sections 104, 107)	
and 122 of the Comprehensive)	
Environmental Response, Compensation,)	
and Liability Act, 42 U.S.C. §§ 9604,)	
9607 and 9622.)	
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**THIRD AMENDMENT TO THE
ADMINISTRATIVE SETTLEMENT
AGREEMENT AND ORDER ON
CONSENT FOR REMEDIAL
INVESTIGATION/FEASIBILITY
STUDY**

THE UNDERSIGNED RESPONDENT enters into this Third Amendment to the Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study in the matter of CERCLA Docket No. 06-08-16 relating to the SBA Shipyard Site, Jennings, Jefferson Davis Parish, Louisiana:

FOR RESPONDENT: Superfund Management Operations, a series of Evergreen Resources Group, LLC, for itself and ETC Sunoco Holdings LLC f/k/a Sun Oil Company and Sun Pipe Line Company LLC f/k/a Sun Marine Terminals of Louisiana, Inc.

2 Righter Parkway, Suite 120, Wilmington, DE 19803
Print Address
BY: [Signature] Date 5/6/22
Signature

Scott Cullinan

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Scott Cullinan

Title: President - Evergreen

Address: 2 Righter Parkway, Suite 120
Wilmington, DE 19803

Telephone Number: 302-477-0139

Email: scullinan@evergreenresmgmt.com

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

IN THE MATTER OF:)
SBA SHIPYARD SUPERFUND SITE)
JENNINGS, JEFFERSON DAVIS)
PARISH, LOUISIANA)
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ACBL Oldco, LLC)
American Commercial Barge Line LLC)
Ashland LLC)
Canal Barge Company, Inc.)
Cenac Towing Company, LLC)
Hornbeck Offshore Transportation, LLC)
Martin Energy Services LLC)
Martin Operating Partnership LP)
Talen's Marine & Fuel, LLC)
Phillips 66 Company)
Ingram Barge Company LLC)
Superfund Management Operations,)
a series of Evergreen Resources)
Group, LLC, as successor in interest to)
Sun Oil Company n/k/a Sunoco, Inc. and)
Sun Marine Terminals of Louisiana, Inc.)
)
Respondents)
)
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Proceeding Under Sections 104, 107)
and 122 of the Comprehensive)
Environmental Response, Compensation,)
and Liability Act, 42 U.S.C. §§ 9604,)
9607 and 9622.)
)

CERCLA Docket No. 06-08-16

**THIRD AMENDMENT TO THE
ADMINISTRATIVE SETTLEMENT
AGREEMENT AND ORDER ON
CONSENT FOR REMEDIAL
INVESTIGATION/FEASIBILITY
STUDY**

THE UNDERSIGNED RESPONDENT enters into this Third Amendment to the Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study in the matter of CERCLA Docket No. 06-08-16 relating to the SBA Shipyard Site, Jennings, Jefferson Davis Parish, Louisiana:

FOR RESPONDENT: Beazer East, Inc.

c/o Three Rivers Management, Inc., agent for Beazer East, Inc., 600 River Ave, Ste 200,
Print Address Pittsburgh, PA

BY: [Signature]
Signature

May 27, 2022
Date

15212

Charles E. McChesney II, Vice President & Secretary, Beazer East, Inc.

Print Name of Signatory

Written notice to the following notification contact person will constitute complete satisfaction of any written notice requirement (if any) of this Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study with respect to the Respondent who has signed above.

Print Name and Contact information

Name: Charles E. McChesney II

Title: Vice President & Secretary

Address: Beazer East, Inc., % Three Rivers Mgt., Inc., 600 River Ave.,
Ste. 200, Pittsburgh, PA 15212

Telephone Number: 412-327-8207m / 412-208-8839.

Email: charles.mcchesney@trmi.biz

APPENDIX C

**(As amended by the Third Amendment to the Administrative Settlement Agreement Order on Consent
for Remedial Investigation/Feasibility Study)**

- ACBL Oldco, LLC
- American Commercial Barge Line LLC
- Ashland LLC
- Beazer East, Inc.
- Canal Barge Company, Inc.
- Cenac Towing Company, LLC
- Hornbeck Offshore Transportation, LLC
- Ingram Barge Company LLC
- Martin Energy Services LLC
- Martin Operating Partnership L.P.
- Talen's Marine & Fuel, LLC
- Phillips 66 Company
- Steuart Investment Company
- Steuart Holding Company, LLC
- Steuart Transportation Company
- Superfund Management Operations,
a series of Evergreen Resources
Group, LLC, for itself and ETC Sunoco
Holdings LLC f/k/a Sun Oil Company and Sun Pipe
Line Company, LLC f/k/a Sun Marine Terminals of Louisiana, Inc.